



General Assembly

January Session, 2019

Amendment

LCO No. 8074



Offered by:

REP. STAFSTROM, 129th Dist.

SEN. WINFIELD, 10th Dist.

REP. BLUMENTHAL, 147th Dist.

To: Subst. House Bill No. 7219

File No. 485

Cal. No. 312

"AN ACT CONCERNING GHOST GUNS."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 29-36 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2019*):

5 (a) No person shall remove, deface, alter or obliterate the name of
6 any maker or model or any maker's number, unique serial number or
7 other mark of identification on any firearm as defined in section 53a-3.
8 The possession of any firearm upon which any identifying mark,
9 number or name has been removed, defaced, altered or obliterated
10 shall be prima facie evidence that the person owning or in possession
11 of such firearm has removed, defaced, altered or obliterated the same.

12 (b) Any person who violates any provision of this section shall be
13 guilty of a class C felony for which two years of the sentence imposed

14 may not be suspended or reduced by the court, and five thousand
15 dollars of the fine imposed may not be remitted or reduced by the
16 court unless the court states on the record its reasons for remitting or
17 reducing such fine, and any firearm found in the possession of any
18 person in violation of said provision shall be forfeited.

19 Sec. 2. (NEW) (*Effective October 1, 2019*) (a) No person shall complete
20 the manufacture of a firearm without subsequently (1) obtaining a
21 unique serial number or other mark of identification from the
22 Department of Emergency Services and Public Protection pursuant to
23 subsection (b) of this section, and (2) engraving upon or permanently
24 affixing to the firearm such serial number or other mark in a manner
25 that conforms with the requirements imposed on licensed importers
26 and licensed manufacturers of firearms pursuant to 18 USC 923(i), as
27 amended from time to time, and any regulation adopted thereunder.

28 (b) Not later than thirty days after a person completes the
29 manufacture of a firearm or ninety days after the Department of
30 Emergency Services and Public Protection provides notice in
31 accordance with section 3 of this act that the system to distribute a
32 unique serial number or other mark of identification pursuant to this
33 section is operational, whichever date is later, such person shall notify
34 the department of such manufacture and provide any identifying
35 information to the department concerning the firearm and the owner
36 of such firearm, in a manner prescribed by the Commissioner of
37 Emergency Services and Public Protection. Upon receiving a properly
38 submitted request for a unique serial number or other mark of
39 identification from a person who completes manufacture of a firearm,
40 the department shall determine if such person is prohibited from
41 purchasing a firearm and if not, shall issue to such person a unique
42 serial number or other mark of identification immediately and in no
43 instance more than three business days after the department receives
44 such request. Issuance of a unique serial number or other mark of
45 identification pursuant to this subsection shall not be evidence that the
46 firearm is otherwise lawfully possessed.

47 (c) The provisions of subsections (a) and (b) of this section shall not
48 apply to the manufacture of a firearm manufactured using an
49 unfinished frame or lower receiver on which a serial number or other
50 mark has been engraved or permanently affixed pursuant to
51 subsection (c) of section 5 of this act.

52 (d) No person shall transfer to another person any firearm
53 manufactured in violation of this section.

54 (e) The provisions of this section shall not apply to (1) the
55 manufacture of firearms by a federally licensed firearm manufacturer,
56 (2) (A) any antique firearm, as defined in 18 USC 921, as amended
57 from time to time, or (B) any firearm manufactured prior to the
58 effective date of this section, provided such firearm is otherwise
59 lawfully possessed, or (3) delivery or transfer of a firearm to a law
60 enforcement agency.

61 (f) No person shall facilitate, aid or abet the manufacture of a
62 firearm (1) by a person or for a person who is otherwise prohibited by
63 law from purchasing or possessing a firearm, or (2) that a person is
64 otherwise prohibited by law from purchasing or possessing.

65 (g) If the court finds that a violation of this section is not of a serious
66 nature and that the person charged with such violation (1) will
67 probably not offend in the future, (2) has not previously been
68 convicted of a violation of this section, and (3) has not previously had a
69 prosecution under this section suspended pursuant to this subsection,
70 the court may order suspension of prosecution. The court shall not
71 order suspension of prosecution unless the accused person has
72 acknowledged that he or she understands the consequences of the
73 suspension of prosecution. Any person for whom prosecution is
74 suspended shall agree to the tolling of any statute of limitations with
75 respect to such violation and to a waiver of his or her right to a speedy
76 trial. Such person shall appear in court and shall be released to the
77 custody of the Court Support Services Division for such period, not
78 exceeding two years, and under such conditions as the court shall

79 order. If the person refuses to accept, or, having accepted, violates such
80 conditions, the court shall terminate the suspension of prosecution and
81 the case shall be brought to trial. If such person satisfactorily completes
82 such person's period of probation, he or she may apply for dismissal of
83 the charges against such person and the court, on finding such
84 satisfactory completion, shall dismiss such charges. If the person does
85 not apply for dismissal of the charges against such person after
86 satisfactorily completing such person's period of probation, the court,
87 upon receipt of a report submitted by the Court Support Services
88 Division that the person satisfactorily completed such person's period
89 of probation, may on its own motion make a finding of such
90 satisfactory completion and dismiss such charges. Upon dismissal, all
91 records of such charges shall be erased pursuant to section 54-142a of
92 the general statutes. An order of the court denying a motion to dismiss
93 the charges against a person who has completed such person's period
94 of probation or terminating the participation of a defendant in such
95 program shall be a final judgment for purposes of appeal.

96 (h) Any person who violates any provision of this section shall be
97 guilty of a class C felony for which two years of the sentence imposed
98 may not be suspended or reduced by the court, and five thousand
99 dollars of the fine imposed may not be remitted or reduced by the
100 court unless the court states on the record its reasons for remitting or
101 reducing such fine, and any firearm found in the possession of any
102 person in violation of any provision of this section shall be forfeited.

103 (i) For purposes of this section, "manufacture" means to fabricate or
104 construct a firearm including the initial assembly, "firearm" means
105 firearm, as defined in section 53a-3 of the general statutes, and "law
106 enforcement agency" means law enforcement agency, as defined in
107 section 29-1i of the general statutes.

108 Sec. 3. (NEW) (*Effective from passage*) Not later than October 1, 2019,
109 the Department of Emergency Services and Public Protection, in
110 consultation with the federal Bureau of Alcohol, Tobacco, Firearms
111 and Explosives as needed, shall develop and maintain a system to

112 distribute a unique serial number or other mark of identification to any
113 person requesting such number or mark pursuant to section 2 or 5 of
114 this act, and provide written notification that such system is
115 operational by: (1) Posting the notification on the department's Internet
116 web site, and (2) providing the notification electronically to federally
117 licensed firearm dealers. The department shall maintain identifying
118 information of the person requesting the number or mark and of the
119 firearm or unfinished frame or lower receiver for which each such
120 number or mark is requested.

121 Sec. 4. (NEW) (*Effective October 1, 2019*) (a) No person shall
122 manufacture any firearm from polymer plastic that, after removal of
123 grips, stocks and magazines, is not as detectible as the security
124 exemplar, by walk-through metal detectors calibrated and operated to
125 detect the security exemplar.

126 (b) If the court finds that a violation of this section is not of a serious
127 nature and that the person charged with such violation (1) will
128 probably not offend in the future, (2) has not previously been
129 convicted of a violation of this section, and (3) has not previously had a
130 prosecution under this section suspended pursuant to this subsection,
131 the court may order suspension of prosecution. The court shall not
132 order suspension of prosecution unless the accused person has
133 acknowledged that he or she understands the consequences of the
134 suspension of prosecution. Any person for whom prosecution is
135 suspended shall agree to the tolling of any statute of limitations with
136 respect to such violation and to a waiver of his or her right to a speedy
137 trial. Such person shall appear in court and shall be released to the
138 custody of the Court Support Services Division for such period, not
139 exceeding two years, and under such conditions as the court shall
140 order. If the person refuses to accept, or, having accepted, violates such
141 conditions, the court shall terminate the suspension of prosecution and
142 the case shall be brought to trial. If such person satisfactorily completes
143 such person's period of probation, he or she may apply for dismissal of
144 the charges against such person and the court, on finding such
145 satisfactory completion, shall dismiss such charges. If the person does

146 not apply for dismissal of the charges against such person after
147 satisfactorily completing such person's period of probation, the court,
148 upon receipt of a report submitted by the Court Support Services
149 Division that the person satisfactorily completed such person's period
150 of probation, may on its own motion make a finding of such
151 satisfactory completion and dismiss such charges. Upon dismissal, all
152 records of such charges shall be erased pursuant to section 54-142a of
153 the general statutes. An order of the court denying a motion to dismiss
154 the charges against a person who has completed such person's period
155 of probation or terminating the participation of a defendant in such
156 program shall be a final judgment for purposes of appeal.

157 (c) Any person who violates any provision of this section shall be
158 guilty of a class C felony for which two years of the sentence imposed
159 may not be suspended or reduced by the court, and five thousand
160 dollars of the fine imposed may not be remitted or reduced by the
161 court unless the court states on the record its reasons for remitting or
162 reducing such fine, and any firearm found in the possession of any
163 person in violation of any provision of this section shall be forfeited.

164 (d) For purposes of this section, "firearm" means firearm, as defined
165 in section 53a-3 of the general statutes, but does not include the frame
166 or receiver of any such weapon and "security exemplar" means
167 "security exemplar" as defined in 18 USC 922(p), as amended from
168 time to time, and any regulation adopted thereunder.

169 Sec. 5. (NEW) (*Effective from passage*) (a) No person shall purchase or
170 receive or sell, deliver or otherwise transfer an unfinished frame or
171 lower receiver, except as provided in: (1) Subsections (b) and (c) of this
172 section; or (2) subsection (d) of this section; or (3) subsection (e) of this
173 section.

174 (b) The procedures for the purchase or receipt or sale, delivery or
175 other transfer of an unfinished frame or lower receiver shall be the
176 same procedures as apply to the purchase or receipt or sale, delivery or
177 other transfer of a pistol or revolver under subsections (b) to (e),

178 inclusive, of section 29-33 of the general statutes, provided such
179 purchase or receipt or sale, delivery or other transfer of an unfinished
180 frame or lower receiver is in accordance with the provisions of
181 subsection (c) of this section.

182 (c) (1) No person shall sell, deliver or otherwise transfer an
183 unfinished frame or lower receiver pursuant to subsection (b) of this
184 section that does not have a unique serial number or other mark of
185 identification, obtained pursuant to: (A) The serial numbering program
186 of the federal Bureau of Alcohol, Tobacco, Firearms and Explosives, or
187 (B) subdivisions (2) and (3) of this subsection.

188 (2) A person may obtain a unique serial number or other mark of
189 identification for an unfinished frame or lower receiver by providing
190 to the Department of Emergency Services and Public Protection any
191 identifying information concerning the unfinished frame or lower
192 receiver and the owner of such unfinished frame or lower receiver, in a
193 manner prescribed by the Commissioner of Emergency Services and
194 Public Protection. Upon receiving a properly submitted request for a
195 unique serial number or other mark of identification for an unfinished
196 frame or lower receiver, the Department of Emergency Services and
197 Public Protection shall determine if such person is prohibited from
198 purchasing a firearm, and if not, shall issue to such person a unique
199 serial number or other mark of identification immediately and in no
200 instance more than (A) three business days after the Department of
201 Emergency Services and Public Protection receives such request, or (B)
202 ten business days after the system to distribute a unique serial number
203 or other mark of identification pursuant to section 3 of this act is
204 operational, whichever date is later.

205 (3) Such unique serial number or other mark of identification shall
206 be engraved upon or permanently affixed to the unfinished frame or
207 lower receiver in a manner that conforms with the requirements
208 imposed on licensed importers and licensed manufacturers of firearms
209 pursuant to 18 USC 923(i), as amended from time to time, and any
210 regulation adopted thereunder.

211 (d) The provisions of subsections (a) to (c), inclusive, of this section
212 shall not apply to the sale, delivery or transfer of any unfinished frame
213 or lower receiver between (1) a federally licensed firearm
214 manufacturer and a federally licensed firearm dealer, (2) a federally
215 licensed firearm importer and a federally licensed firearm dealer, or (3)
216 federally licensed firearm dealers.

217 (e) Any person may arrange in advance to deliver and transfer an
218 unfinished frame or lower receiver to a police department or the
219 Department of Emergency Services and Public Protection.

220 (f) On and after October 1, 2019, no person shall possess an
221 unfinished frame or lower receiver unless such person is eligible to
222 purchase a firearm under state and federal law.

223 (g) If the court finds that a violation of this section is not of a serious
224 nature and that the person charged with such violation (1) will
225 probably not offend in the future, (2) has not previously been
226 convicted of a violation of this section, and (3) has not previously had a
227 prosecution under this section suspended pursuant to this subsection,
228 the court may order suspension of prosecution. The court shall not
229 order suspension of prosecution unless the accused person has
230 acknowledged that he or she understands the consequences of the
231 suspension of prosecution. Any person for whom prosecution is
232 suspended shall agree to the tolling of any statute of limitations with
233 respect to such violation and to a waiver of his or her right to a speedy
234 trial. Such person shall appear in court and shall be released to the
235 custody of the Court Support Services Division for such period, not
236 exceeding two years, and under such conditions as the court shall
237 order. If the person refuses to accept, or, having accepted, violates such
238 conditions, the court shall terminate the suspension of prosecution and
239 the case shall be brought to trial. If such person satisfactorily completes
240 such person's period of probation, he or she may apply for dismissal of
241 the charges against such person and the court, on finding such
242 satisfactory completion, shall dismiss such charges. If the person does
243 not apply for dismissal of the charges against such person after

244 satisfactorily completing such person's period of probation, the court,
245 upon receipt of a report submitted by the Court Support Services
246 Division that the person satisfactorily completed such person's period
247 of probation, may on its own motion make a finding of such
248 satisfactory completion and dismiss such charges. Upon dismissal, all
249 records of such charges shall be erased pursuant to section 54-142a of
250 the general statutes. An order of the court denying a motion to dismiss
251 the charges against a person who has completed such person's period
252 of probation or terminating the participation of a defendant in such
253 program shall be a final judgment for purposes of appeal.

254 (h) Any person who violates any provision of this section shall be
255 guilty of a class C felony for which two years of the sentence imposed
256 may not be suspended or reduced by the court, and five thousand
257 dollars of the fine imposed may not be remitted or reduced by the
258 court unless the court states on the record its reasons for remitting or
259 reducing such fine, except that any person who sells, delivers or
260 otherwise transfers an unfinished frame or lower receiver in violation
261 of the provisions of this section knowing that such unfinished frame or
262 lower receiver is stolen or that the manufacturer's number or other
263 mark of identification on such unfinished frame or lower receiver has
264 been altered, removed or obliterated, shall be guilty of a class B felony
265 for which three years of the sentence imposed may not be suspended
266 or reduced by the court, and ten thousand dollars of the fine imposed
267 may not be remitted or reduced by the court unless the court states on
268 the record its reasons for remitting or reducing such fine, and any
269 unfinished frame or lower receiver found in the possession of any
270 person in violation of any provision of this section shall be forfeited.

271 (i) For purposes of this section, "unfinished frame or lower receiver"
272 means a blank, casting or machined body intended to be turned into
273 the frame or lower receiver of a firearm, as defined in section 53a-3 of
274 the general statutes, with additional machining, and which has been
275 formed or machined to the point where most major machining
276 operations have been completed to turn the blank, casting or machined
277 body into a frame or lower receiver of a firearm, even if the fire-control

278 cavity area of such blank, casting or machined body is still completely
279 solid and unmachined. An "unfinished frame or lower receiver" is not
280 a firearm, as defined in 18 USC 921(a), as amended from time to time."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2019</i>	29-36
Sec. 2	<i>October 1, 2019</i>	New section
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>October 1, 2019</i>	New section
Sec. 5	<i>from passage</i>	New section